

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

ELAINE L. CHAO, Secretary of Labor, *
United States Department of Labor, *

Plaintiff, *

v. *

LE INC., LE & PHAM INC., *
LE CAFÉ INC., LE & T INC., *
PHO PASTEUR INC., and DUYEN LE, *

Defendants. *

CIVIL ACTION

FILE NO. 04-11310 NG

PLAINTIFF'S F.R.C.P. §26(a)(1) DISCLOSURE STATEMENT

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and Local Rule 26.2(a)(1), Plaintiff makes the following disclosures:

A. Persons Having Discoverable Information

1. Nancy Siciliano, Investigator, Wage & Hour Division, United States Department of Labor.

2. James Myers, Investigator, Wage & Hour Division, United States Department of Labor.

3. Duyen Le, Defendant.

4. Ken Disimone, accountant for Defendants.

5. Each employee listed on back wage summaries previously provided to Defendants.

6. Any additional employees discovered by Plaintiff at a later date to be due back wages in this mater.

7. All supervisors of Defendants' employees alleged as above to be due back wages in this matter.

8. Representative witnesses employed by suppliers and producers of foods and beverages and food and beverage components served in Defendants' restaurants.

B. Relevant Documents

1. Payroll records of Defendants.
2. Transcriptions from Defendants' payroll records prepared by Plaintiff's investigators.
3. Documents related to hours of work not shown on Defendants' regular payroll records, as provided to Plaintiff's Investigators by Defendant Le during Plaintiff's investigation herein.
4. January 30, 2004 letter from Kenneth DeSimone to Plaintiff's investigators.
5. Records and documents prepared by Defendant Le relating to hours of work over forty per week not shown on Defendants regular payroll records.
6. Any other records maintained by Defendants relating to hours of work by, or wages paid to, their employees.
7. Records and other materials showing origin of foods and beverages and food and beverage components served in defendants restaurants.

C. Documents Relating to Damages

1. Plaintiffs Forms WH 55 and WH 56, back wage calculations.
2. Supporting documents: See Items B 1, 2, 3, 5, and 6, above.
3. Some information used in preparing back wage computations learned through interviews with employees. Written statements were taken during the course of such interviews.

The identities of employees who provided such information is protected by a privilege not to disclose the identities of employees who have cooperated in a government investigation.

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U.S. Department of Labor
Attorneys for Plaintiff

Dated: December 21, 2004